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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8535 OF 2006

Anandrao Shripati Patil ... Petitioner

V/s

The Commissioner,
Kolhapur Municipal Corporation,
Kolhapur. ... Respondent

Mr. S.V. Sadavarte for the petitioner.

Mr.C.G.Patil for Mr.S.S.Patwardhan for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH AUGUST, 2007.

P.C.:

1. The petitioner challenges the order of the Industrial Court dated 12.4.2006 passed in Complaint (ULP) No. 97 of 2006.

2. The petitioner had challenged the order passed by the respondent Corporation reducing his pay by bringing it down to the original pay scale that he was drawing. This order was passed by way of punishment. A charge-sheet has been issued to the petitioner for certain acts of misconduct on 4.5.1998 and an enquiry was held. After receipt of the report of the enquiry

officer, a show cause notice was issued to the petitioner on 14.10.1999 calling upon him to show cause as to why his pay scale should not be reduced. The respondent Corporation, after receipt of the reply, dismissed the petitioner on 1.3.2000. The petitioner then filed Complaint (ULP) No. 72 of 2000. The Labour Court set aside the dismissal order and directed the respondent Corporation to act pursuant to the show cause notice dated 14.10.1999. The revision application filed by the respondent was dismissed. The respondent Corporation thereafter inflicted the punishment mentioned in the show cause notice dated 14.10.1999 and reduced the pay scale of the petitioner. The Industrial Court has rightly refused to set aside the order passed by the Corporation. The Industrial Court has observed that the petitioner has not challenged the findings of the Labour Court in Complaint (ULP) No. 72 of 2000 wherein the misconduct against the petitioner had been held to be proved and the respondent Corporation was directed to inflict a lesser punishment rather than dismissal or discharge. The Industrial Court has rightly held that without challenging the findings of the Labour Court, the Industrial Court could not reduce the punishment. Apart from this, the petitioner has already retired.

3. In my opinion, there is no need to interfere with the findings of the Industrial Court. There is no error apparent on the face of the record.

4. Petition rejected.

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